

### **REMARKS**

Claim 1-17 were examined and reported in the Office Action. Claims 1-17 are rejected. Claims 1-3, 5, 9, and 15-17 have been amended. Claim 14 is cancelled. Claims 1-13 and 15-17 remain.

Applicant requests reconsideration of the application in view of the amendments and the following remarks.

### **DRAWINGS**

It is asserted in the Office Action that the drawings are objected to under 37 CFR 1.83(a) failing to show that "mobile terminal unit 29 transmits/receives interactive data in Fig. 2 as described in the specification," In response, Applicant has amended Figure 2 by redrawing the "interactive data" arrow going both ways between the mobile terminal accessing unit 29 and the processor 10.

Accordingly, reconsideration and withdrawal of the objection to the drawings under 37 CFR 1.83(a) is respectively requested.

In addition, Applicant has amended the specification to include the brief description of Figs. 3 and 4.

Approval is respectively requested.

### **Claim Rejections under 35 USC 102(e)**

It is asserted in the Office Action that Claims 5, 6, and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,487,723 issued to MacInnis ("MacInnis").

In response, Applicant has amended Claim 5 to include the limitation, "d) receiving and processing a request for accessing a mobile communication network from the user," from claim 14 since the Examiner indicated that this limitations is taught by Safadi and we believe the Safadi reference does not teach or suggest accessing a mobile communications network.

Accordingly, reconsideration and withdrawal of the rejection to Claims 5, 6 and 9 under 35 USC 102(e) is respectively requested.

**Claim Rejections Under 35 USC 103(a)**

It is asserted in the Office Action that Claims 1, 3, 14, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MacInnis, in view of U.S. Patent No. 7,120,926 issued to Safadi et al. ("Safadi")

Claims 2, 4, 7, 8, and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MacInnis, in view of Safadi, and further in view of U.S. Patent No. 6,941,341 issued to Logston et al. ("Logston").

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MacInnis, in view of Safadi, and Logston, as applied to claim 10 above, and further in view of U.S. Patent No. 6,078,951 issued to Pashupathy et al., ("Pashupathy").

Claims 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MacInnis, in view of Safadi, as applied to claim 14 above, and further in view of U.S. Patent No. 6,237,039 issued to Perlman et al., ("Perlman").

In response to the above rejections under 35 U.S.C. § 103(a), Applicant respectfully disagrees with the Examiner.

First, MacInnis teaches a system for downloading different versions of software modules into a plurality of subscriber's terminals having different compatibility interfaces. MacInnis teaches a downloading source that transmits descriptor tables to each terminal and continuously transmits the software modules over the network so that each terminal can extract the descriptor table. Each terminal, based on a match between an entry in the descriptor table an internally stored table, determines which version of a particular software module should be downloaded.

Second, the Safadi reference teaches a method for allowing subscribers to download programming or other software upgrades from a list or menu of programming that is received at

a subscriber's set-top terminal. The terminal displays the list and the subscriber selects which programming to download to have immediate access to upgraded or enhanced programming, the purchase of which is billed to the subscriber's account.

Applicant points out that the Examiner admits that MacInnis does not teach the limitation, "a mobile terminal accessing means for accessing to a mobile communication network based on downloading data," recited in claims 1 and 17. However, the Examiner argues that the Safadi reference teaches this limitation because Safadi teaches a subscriber's set-top terminal obtaining access the Internet to connect to a site or URL designated by the downloaded software.

Applicant notes that the Safadi reference does not teach or suggest this limitation.

The Office Action cites Safadi, col.7, lines 37-43 as teaching the limitation. The cited section of Safadi states,

As shown in FIG. 3 and noted as above, the DoS message may specify a URL at which a listed code object or its ECDS may be acquired by the set-top terminal. Consequently, upon the user selecting an object for download (202), the set-top terminal may connect to the site designated by the specified URL and, from that site, download either a code object or its corresponding ECDS.

Safadi, col. 7, lines 37-43. However, we have reviewed the cited sections of Safadi and have been unable to discern any part of the Safadi reference that teaches accessing a mobile communications network. Accessing the Internet as taught in Safadi does not necessarily imply that a mobile communications network is accessed. In Safadi, the Internet is accessed over a built-in cable television network including a downloading source connected to the set-top box via coaxial cables. This is a non-mobile communications network because it is built in with connections using coaxial cable that is often run underground. In fact, there is nothing mobile

about the network and system taught in Safadi. Accordingly, Safadi does not teach this limitation as argued by the Examiner.

In addition, Applicant has amended claims 1-3, and 5, each containing the phrase "means for" since the "means for" phrase triggers 35 U.S.C. § 112 ¶ 6, which requires the claim scope to be interpreted to be limited to only those structures disclosed in the specification. Applicant believes the invention is broader than the structures disclosed in the specification.

Accordingly, reconsideration and withdrawal of the rejections under 35 USC 103(a) is respectively requested.

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-13 and 15-17 are patentable over the prior art cited by the Examiner and are now in condition for allowance and such action is earnestly solicited at the earliest possible date.

If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

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PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on August 5, 2008, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to December 5, 2008. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$65 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) small entity.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, &amp; ZAFMAN LLP

Dated:

12/1/08

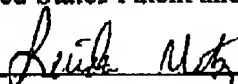
By:

  
Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway  
Sunnyvale, California 94085-4040  
(310) 207-3800

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I hereby certify that this correspondence is being submitted electronically via EFS-Web on the date shown below to the United States Patent and Trademark Office.

 12.5.08  
Linda Metz Date: 12.5.08